## REMARKS

Claims 1-25, 27, 29, 31 and 33-36 are pending in the present application. Claims 1, 7, 13 and 19 are independent claims. New claims 33-36 are added in the foregoing amendment.

### 35 U.S.C. 102(e) Yao

Claims 1-25, 27, 29 and 31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yao. Applicant respectfully traverses this art grounds of rejection.

Yao is directed to a method and apparatus for voice latency reduction in a voice-over-data wireless communication system. As discussed in previous responses filed by Applicant, and as shown in Figure 8 of Yao, Yao teaches (i) analyzing communication system latency (802), (ii) determining whether the latency, as indicated by a frame error rate (FER), is above a threshold (804), and (iii) dropping frames at different fixed rates (806, 808) based on the determination from (ii).

Communication system latency may be incidentally related to the rate or probability of frames being "silent", or not including data. However, the threshold used in step 804 of Figure 8 is **not** established to ensure that dropped frames are silent frames, but is rather selected as part of a probabilistic packet dropping process based on an associated error rate (See Yao at Column 8, line 62 to Column 9, line 3). Basically, a frame error rate (FER) is compared with the threshold to determine at which rate to drop packets. **Packets are then dropped in a "blind" fashion, at the selected rate** (See Column 10, line 67 to Column 11, line 11 of Yao). Thus, Yao simply relies on the assumption that "more" low rate frames (which are not necessarily "silence" frames, see Yao at Column 8, line 62 to Column 9, line 3) will be dropped when FER is above the threshold than when FER is below the threshold.

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Any dropped frames, irrespective of whether the rate is lower (806 of Figure 8) or higher (808 of Figure 8), are based solely on a probabilistic value associated with the selected rate. Thus, if the drop rate is 1 out of every 100 packets, the system of Yao counts up to 100, drops a packet, counts up to 100 again, drops another packet, and so on. This has nothing to do with whether a particular dropped packet is a silence packet, but merely whether the packets, in general, are expected to include more or less low rate frames, as indicated by the FER. It will be appreciated that this process could drop a media frame that includes data as readily as a low rate frame that includes less data.

Accordingly, Yao cannot disclose or suggest "automatically suppressing the one or more silence frames from the received stream of media" as recited in independent claim 1 and similarly recited in independent claims 7, 13 and 19. Rather, the suppression of frames is based on the selected drop rate, not based on whether actual silence frames are present. In other words, it is possible that the methodology of Yao would simply miss any silence frames that are present if any silence frames do not align with the selected drop rate as discussed above.

As such, claims 7, 13 and 19, are likewise allowable over Yao at least for the reasons given above with respect to independent claim 1.

Further new claims 33-36 have been added which recite features such as in claim 33, "determining whether the stream of media includes one or more silence frames between successive media frames of the stream of media, each media frame including data" and "wherein the one or more silence frames are suppressed based on the determining step". As discussed above, Yao does not determine whether any given frame is a silence frame to determine whether to drop that particular packet, but rather determines whether to drop packets at a first or second fixed drop rate.

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In view of the above remarks, Applicant respectfully submits that Yao cannot disclose or suggest "determining whether the stream of media includes one or more silence frames between successive media frames of the stream of media, each media frame including data" and "wherein the one or more silence frames are suppressed based on the determining step" as recited in dependent claim 33 and similarly recited in dependent claims 34 through 36. Accordingly, claims 33-36 are allowable over Yao for at least this additional reason.

The remaining dependent claims 2-6, 8-12, 14-18, 20-25, 27, 29 and 31 are allowable at least by virtue of their dependency on the above-identified independent claims 1, 7, 13 and 19, respectively. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection. Accordingly, reconsideration and issuance of the present application is respectfully requested.

## Conclusion

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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